

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.M-H., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLES HOUSE,

Respondent-Appellant,

and

KASHMA LEE,

Respondent.

UNPUBLISHED

August 16, 2002

No. 233852

Washtenaw Circuit Court

Family Division

LC No. 95-022926-NA

Before: Kelly, P.J., and Saad and Smolenski, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent contends that the trial court violated his constitutional right to due process when it failed to comply with the procedural requirements for emergency removal hearings provided by MCR 5.973(E). Although respondent does not raise any error pertaining to the trial court's decision to terminate his parental rights—and indeed concedes that the petitioner presented sufficient evidence of statutory grounds for termination—he asserts that the errors related to the April 3, 2000 hearing so tainted the process that the termination decision should be reversed. We disagree.

The trial court initially treated the April 3, 2000 hearing as a preliminary hearing, but later acknowledged that it should have been deemed an emergency removal hearing. Thus, the procedures provided in MCR 5.973 should have been followed. MCR 5.973(E)(4) requires that a review hearing be held within fourteen days after the emergency removal hearing, a right which respondent was not apprised of at the time. The trial court recognized this error and

allowed respondent the opportunity to exercise his right to a hearing to contest the removal decision at the June 8, 2000 hearing. Respondent did not take advantage of this opportunity. Respondent contends that this correction was inadequate, but does not explain why this error was so serious that it undermined the legitimacy of the termination decision. A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *American Transmission, Inc v Channel 7 of Detroit, Inc*, 239 Mich App 695, 705; 609 NW2d 607 (2000).

Additionally, we find no merit in respondent's remaining claims that the trial court's errors warrant reversal of the termination decision. Respondent also argues that the trial court erred in holding the April 3, 2000 hearing when he was still incarcerated in the county jail. Because the record contains conflicting evidence, we cannot verify respondent's claim. In any event, this alleged error would be harmless because respondent was subsequently given the opportunity to contest the removal. Furthermore, this case is not analogous to *In re Render*, 145 Mich App 344; 377 NW2d 421 (1985), as respondent posits, where the trial court erroneously held a *termination* hearing without securing the respondent-parent's release from jail.

Finally, respondent fails to draw any causal connection between these alleged errors and the trial court's ultimate decision to terminate his parental rights. Assuming, arguendo, that the trial court did commit serious errors at the April 3, 2000 hearing, that hearing affected only the placement of the minor child. Respondent does not explain how these errors could have affected the termination decision, especially when he failed to contest the removal decision, failed to appear at the termination hearing, and admits on appeal that there was sufficient evidence to warrant termination of his parental rights. We decline to make respondent's argument for him; therefore, this claim is without merit. *American Transmission, supra* at 705.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Henry William Saad
/s/ Michael R. Smolenski